

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8238

UNITED STATES OF AMERICA) Magistrate Case No.:
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
v)
) 21 USC 952 and 960
Carlos FERNANDEZ-Dominguez,) Importation of a Controlled
) Substance (Felony)
Defendant.)

The undersigned complainant being duly sworn states:

On or about March 14, 2008, within the Southern District of California, defendant Carlos FERNANDEZ-Dominguez did knowingly and intentionally import approximately 34.62 kilograms (76.164 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, 17TH DAY OF
March, 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**

3 **Carlos FERNANDEZ-Dominguez**

4 **PROBABLE CAUSE STATEMENT**

5 I, Special Agent Reuben McDowell, declare under penalty of perjury, the
6 following is true and correct:

7 This statement of facts is based on the reports, documents, and notes furnished
8 to Immigration and Customs Enforcement Special Agent McDowell.

9 On March 14, 2008, at approximately 1230 hours, Carlos FERNANDEZ-
10 Dominguez entered the United States at the Calexico, California, East Port of Entry.
11 FERNANDEZ was the driver and sole occupant of a 1996 Plymouth Grand Voyager,
12 bearing a California temporary permit. The vehicle approached lane 6 manned by
13 CBPO S. Baca. During routine border inspection questioning, FERNANDEZ stated that
14 he had nothing to declare, that he was going to the Calexico, California DMV and that
15 he had owned the vehicle for five days. CBPO Baca observed that FERNANDEZ
16 avoiding eye contact. While inspecting the vehicle, CBPO Baca observed that the
17 middle seat was solid. CBPO Baca walked the vehicle to secondary inspection.

18 CBPO Corona received the vehicle in secondary inspection. During routine
19 questioning, FERNANDEZ gave a negative Customs declaration and stated that the
20 vehicle was his. CBPO Corona noticed a strong odor of vinegar coming from the
21 interior of the vehicle. CBPO Corona requested a K-9 Officer Caldera to screen the
22 vehicle. The Narcotics Detector Dog alerted to the rear seat area.

23 A subsequent inspection of the vehicle revealed 14 packages consealed within
24 the seats of the vehicle. One of the packages was probed and a sample of a green
25 leafy substance was obtained, which field tested positive for marijuana. The 14
26 packages had a combined weight of approximately 34.62 kilograms (76.164 pounds).

27 FERNANDEZ was advised of his Miranda Rights, which he acknowledged and
28 waived. FERNANDEZ admitted knowledge of the marijuana in the vehicle.
29

TOTAL P. 04

10-23 FAA 3527282


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1 FERNANDEZ stated that he was to be paid \$2,000.00 dollars. FERNANDEZ stated that
2 he was not told how much marijuana would be in the vehicle.

3 FERNANDEZ was booked into the Imperial County Jail pending his initial
4 appearance before a U.S. Magistrate Judge.

5
6 Executed on March 15, 2008 at 1600 hours.

7
8 
9 Special Agent

10 On the basis of the facts presented in the probable cause statement consisting
11 of 2 page(s), I find probable cause to believe that the defendant(s) named in this
12 probable statement committed the offence on 3/15/08 in violation
13 of Title 21, United States Code, Section(s) 952, 960.

14 
15 United States Magistrate Judge

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3/15/08 5:00pm
Date/Time